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Pockets Room 222
MM Docket 92-259

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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

JUN 11 1993

7 JUN 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

IN REPLY REFER TO:

1800D

MG-8010

CN-9302220

Honorable J. James Exon
United States Senator
287 Federal Building
100 Centennial Mall North
Lincoln, NE 68508

92-259

Dear Senator Exon:

This letter is in response to your correspondence on behalf of your constituent, Mr. Robert A. Hillyer, Jr., President of Hillcom Communications, Inc. Mr. Hillyer's inquiry concerns the definition of a small cable system for purposes of the "must-carry" obligations specified in the Cable Television Consumer Protection and Competition Act of 1992 (1992 Cable Act).

J. JAMES EXON
NEBRASKA

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United States Senate
WASHINGTON, DC 20510-2702

COMMITTEES:
ARMED SERVICES
COMMERCE, SCIENCE, AND
TRANSPORTATION
BUDGET

*nmb
CA TV - carry
2220*

May 13, 1993

Federal Communications Commission
Congressional Liaison
1919 M Street, N.W.
Washington, D.C. 20554

Dear Sir:

I am enclosing a letter from:

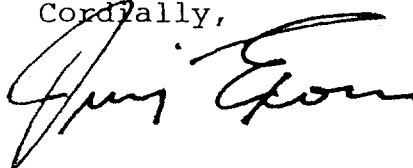
Bob Hillyer
Hillcom Communications
5834 J Street
Lincoln, NE 68508

whose problem appears to fall within your jurisdiction.

I would appreciate any information which will enable me to respond to my constituent's inquiry. Please return the enclosed correspondence with your report to:

Senator J. James Exon
287 Federal Building
100 Centennial Mall North
Lincoln, NE 68508

Cordially,



Jim Exon
United States Senator

Enclosure

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MAY 27 1993
LEGISLATIVE AFFAIRS
OLA

Hillcom Communications, Inc., &
Robert A. Hillyer, Jr. dba Hillcom Co B
5834 J Street
Lincoln, NE 68510

Sen. JJ Exon
100 Centennial Mall No.
Lincoln, Nebraska 68508

21 April 1993

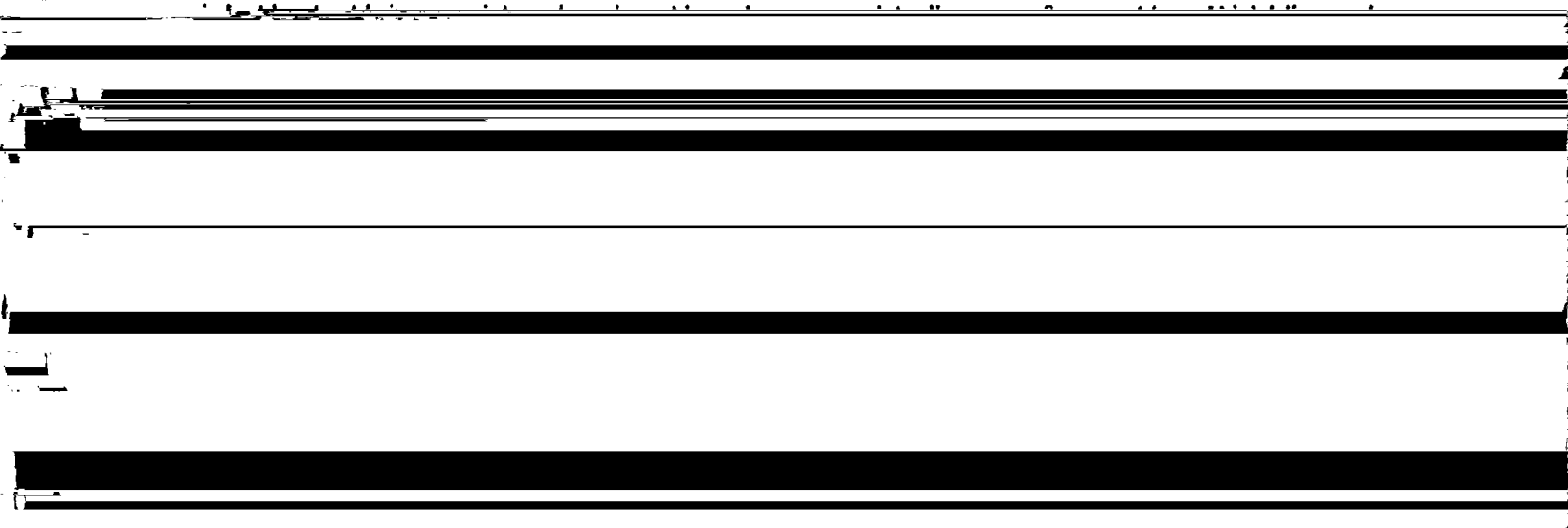
Subject: Definition of Small versus Medium Sized Cable Systems
Re: Must Carry in 1992 Cable Act and related FCC rule
makings.

Sir:

In the process of developing the 1992 Cable Act, Congress tried to establish a case for urgent public interest in the development of the legislation. I have read as much as I have been able to obtain on these proceedings and and enquired widely in an attempt to determine what urgent public need and or interest is served by defining a small cable system as one with 12 channels and 300 or less subscribers and one with more than 12 channels but still less than 301 subscribers as a medium sized system. My specific question is how was this criteria developed?

From a technical and economic sense this distinction makes no sense. It is a stone age thought process to define the size of a cable system by the number of channels it carries. Technically, there is no practical limit to the number of channels a cable system carries. The limiting factor is the number of subscribers that ultimately must carry the capital and operating costs of a systems channel capacity and technical features. Thus the only meaningful measure of a cable systems is the number of customers served by a given headend.

So my question is how was the criteria for defining a systems size for "Must Carry" status developed? I have contacted the FCC for an answer to this question. The FCC spokes person



system, but it would be considered a small system and therefore
exempt from "Must Carry" Since this distinction seems to